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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
)  
Federal-State Joint Board ) CC Docket No. 96-45 on Universal Service  
)

To the Commission:

**COMMENTS OF  
AMERICAN FEDERATION OF TEACHERS, AFL-CIO**

The American Federation of Teachers (AFT) urges the Federal Communications Commission (FCC), in its final rule on universal service to adopt provisions that will assure comprehensive telecommunications services to schools and libraries throughout the nation at affordable rates. AFT believes that the November 7, 1996 recommendations of the Federal/State Joint Board make tremendous steps toward fulfilling the intent of the Telecommunications Act of 1996 with regard to universal service support for schools and libraries.

In this submission, we offer a reply to the December 19, 1996 comments. We reiterate AFT's support for the Joint Board's recommended discount method, which uses school lunch eligibility to distribute discounts to schools. We offer additional information that this method and appropriate proxies can be used in a non-burdensome fashion, avoiding the need for special exemptions from the basic methodology, such as "assumed proportionality" or special "hardship" discounts. We recommend that the FCC begin a process that will help define "high cost" areas and discounts as they relate to schools.

We urge the FCC to adopt provisions that will assure that telecommunications plans address educational purposes, without asking the Commission to develop a definition. Finally, we encourage the Commission to support the Joint Board's recommendations regarding inside connections to classrooms, Internet access and size of the Universal Service Fund.

Description of the American Federation of Teachers

The American Federation of Teachers represents 925,000 members who are K-12 teachers and school aides, higher education staff, health care professionals, and public employees.

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## The Joint Board's Discount Methodology

### Determining Low Wealth Schools Using the School Lunch Discount Methodology

Most respondents concurred that the Joint Board's stepped approach for distributing discounts based on school lunch counts is appropriate, and administratively feasible, as does the AFT. We urge that this approach be adopted by the FCC. We remain convinced that appropriate, financially and administratively non-burdensome school lunch counts and federally-approved proxies can be readily determined by all eligible schools and districts. Collecting new data or assembling already available data are options. In addition to poverty data available through agencies and libraries, the Food Research and Action Council (FRAC) has developed software that permits states and local entities to calculate poverty count (the basis for school lunch eligibility) by census tract and below-census tract areas for individuals between ages 0-18 years old. This mapping project was specifically designed to identify those geographical areas in every state that are eligible to establish federally-sponsored child nutrition programs. At present, the costs to a state for FRAC software and training is less than \$5,000. This type of data could be assembled by any public or private school, elementary or high school, or boarding/residential school in conjunction with information that the school already collects on where its students' reside to provide reasonable proxy data. The availability of these types of data will not require mechanisms such as "assumed proportionality" which AFT believes would yield inherently unfair distribution of discounts in many cases.

### High Cost Areas Require Re-Definition

Concerns have been expressed that the Joint Board's discount methodology does not adequately address the level of discounts that may be needed for schools and libraries that serve populations in areas that have been defined traditionally as both low income and high cost. AFT appreciates this concern. However, historically, the USF has applied the term "high cost" to areas that have primarily required connecting wire-line technology to remote (e.g. rural or insular) areas. The new USF provisions of the Act, for the first time, applies to institutions, rather than only residents, and envisions, appropriately, that a wide variety of services, wireless as well as wire-line services, will be purchased. We believe, therefore, that these new elements of universal service support will require a rethinking of how high cost areas should be defined as it relates to schools and libraries.

Schools in densely populated areas, especially poor ones, often incur higher costs for educational services. For example, urban schools often incur greater costs because they serve a greater proportion of students with more complex needs and because they have greater costs for maintaining and protecting educational facilities and equipment (e.g. higher labor costs, greater security needs to protect equipment, etc.)

Complex technologies required to serve diverse student populations, such as students with disabilities, are more expensive to purchase and maintain. Because

students with disabilities are more highly concentrated in urban schools, these technologies drive costs substantially higher than in other school districts. New York City reports that the fastest growing costs in its educational budget relate to educational services for students with disabilities. Accordingly, AFT believes that a reconsideration of what it means for schools or libraries to be located in high cost areas is in order.

We recommend that the FCC revisit and re-evaluate the definition of "high cost area" as it relates to schools and libraries seeking universal service support. This re-evaluation should take into account factors, including those mentioned above, to determine eligibility of schools in urban areas for high cost, as well as, low income discounts. Also, we urge the Commission to work with states to undertake similar re-definition efforts for the disbursement of federal and state-level universal support for schools and libraries.

#### Definition of Educational Purpose

The AFT disagrees with recommendations by Time-Warner that the FCC define educational purposes for services covered under the USF. The AFT appreciates the need to make sure that services purchased by schools are educationally meaningful and not wasteful. AFT recommends that the FCC adopt a rule that will give local educators flexibility in meeting a variety of educational purposes. To assure that telecommunications services purchased are tied to meaningful educational activities, we suggest that schools be required to develop their local telecommunications plan in accordance with approved plans under one or more of the following federal statutes: The Improving America's Schools Act; the Goals 2000: Educate America Act; the Carl D. Perkins Vocational and Applied Technology Education Act; The School-to-Work Opportunities Act; and/or the Individuals with Disabilities Education Act. Every local district and state participates in these programs which all require multiple year education plans, developed by education officials with public input, and tied to long-term education improvement goals. Since these plans already exist, using them will not present new administrative burdens on states and local districts.

Having local plans identify how telecommunications services relate to activities being conducted under these plans will encourage a planning process that integrates the use of technological tools with the fundamental goals of improving education under these programs, rather than making the purchase of technology the goal. AFT strongly feels that if technology in itself is permitted to become the goal rather than a tool for reaching the goal, many financially wasteful decisions will be made and schools will be diverted from their primary mission. We urge the FCC's serious consideration of this recommendation.

We also oppose requiring that schools' telecommunications plans be included in RFPs. The Joint Board's recommendation requires that local telecommunications plans be developed and available for all carriers to see. Requiring that the same plan be included in every RFP that a school announces would impose an enormous and unnecessary paperwork burden.

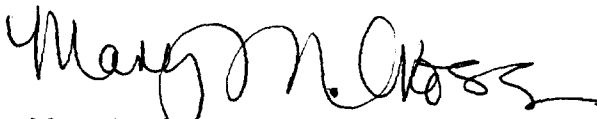
### Services Covered by the Universal Service Fund

We disagree with those comments that recommend that internal connections to classrooms and Internet access not be covered under the USF. The Joint Board recommendations to include these services are consistent with the intent of the Act. Further, the Joint Board and the FCC have authority under the Act to include, in their decisions, additional services needed to promote universal services. We again urge the FCC to adopt these recommendations.

### Sizing the Fund

We urge the Commission not to adopt a rule that drops the Joint Board's recommended cap below \$2.25 billion annually for schools and libraries. Since serving schools and libraries is a new requirement for universal service support, AFT originally supported an un-capped fund that would be permitted to grow as needs determine. The Joint Board's recommended level should be permitted to be implemented, with a review of the use of the fund after several years. At that time, adjustments, (including increases) could be reconsidered.

Respectfully submitted,



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January 10, 1997

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